



The Salisbury Planning Board held its regular meeting Tuesday, January 26, 2010, in the City Council Chamber at Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Mark Beymer, Robert Cockerl, Richard Huffman, Albert Stout, Bill Wagoner and Diane Young

ABSENT: Valarie Stewart and Tommy Hairston

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks.

Robert Cockerl called the meeting to order and offered an invocation. The Planning Board adopted the agenda as submitted. The minutes of the January 12, 2010, and January 6, 2010, meetings were approved as submitted.

TEXT AMENDMENTS

Preston Mitchell made a staff presentation to bring everyone up-to-date. The presentation covered the history, when sidewalks are required, where they are required, whether there are alternatives, and what the amendment proposes to change.

LDOTA-10-2009: Citywide Sidewalk Requirements

History

April 21, 2009, City Council directed the Salisbury Planning Board to study the issue of sidewalk requirements within the industrial zoning districts. Originally this regarded a text amendment for infill sidewalks that was approved. It allowed certain infill lots exemption from sidewalk installation if there were no sidewalks within 300 feet of the infill lot.

The Planning Board legislative committee met May 12, 2009, and July 14, 2009. Their recommendation was that sidewalk construction requirements along existing streets should be considered citywide based on priority not zoning district.

The committee recommended to the Planning Board that all sidewalk construction requirements rest entirely on the City's Sidewalk Prioritization Plan and Sidewalk Priority Index (SPI).

In August, the committee recommended a color coding system of red, orange and yellow, whereby sidewalks would be prioritized for payment-in-lieu. Staff presented the August committee recommendation to City Council. Councilman Burgin offered feedback on codifying a policy document and asked to look closely to make sure it is what Salisbury wanted.

Additions to the amendment allow 501 (c) (3) affordable-home builders (Salisbury Community Development Corporation and Habitat for Humanity) to pay-in-lieu and receive a 75 percent discount regardless of their SPI street segment score. Staff was asked to run that by the City Attorney.

LDO Applicable Sections

Sidewalk Requirements - Sec. 4.4 (pg. 4-5)

- Sidewalks are required when you are building a new street.
- Sidewalks are required citywide for new development along existing streets.
- Sidewalks are required when you are subdividing a lot on an existing street.

Alternatives

- You can seek a variance by the Zoning Board of Adjustment (ZBA). You have to prove a hardship (not economic).
- Payment-in-lieu (Payment due before the certificate of occupancy is issued.)

Sidewalk Priority Index (SPI) creates scores for street segments by totaling the values based on pedestrian-generating characteristics. Those scores will indicate high to low need. Preston demonstrated how the scoring works.

Staff recommended approval saying that it was consistent with the Salisbury Vision 2020 Comprehensive Plan. Preston commented, "I recommend a test drive of this little car."

Discussion

Mark Beymer was not comfortable with the amount of discounts being offered and believed it to be inconsistent with the Salisbury Vision 2020 Comprehensive Plan. He would be more comfortable with 25 percent and 50 percent discounts.

Karen Alexander stated that the committee believes that a payment-in-lieu fund would allow for sidewalks to be more consistent in areas where they are needed, whereby, making a positive impact on the sidewalk system. This is only for infill lots. There is no perfect solution. (In-lieu payments are spent within that planning district where the priority is absolutely the highest.)

Dan Mikkelson offered the suggestion of adjusting the threshold between a high priority and a medium priority. He went on to say that staff looks for opportunities to get grant funding for building sidewalks using the City Council's list of high priority locations.

Low Priority

- Construct sidewalk; or
- Pay-in-lieu with 75 percent discount
- SPI Score of 0-5

Medium Priority

- Construct sidewalk; or
- Pay-in-lieu with 50 percent discount
- SPI Score of 6-14 **Changed to 6-11**

High Priority

- Construct sidewalk; or pay-in-lieu
- Pay-in-lieu 100 percent
- SPI Score of 15 or greater **Changed to 12 or greater**

Karen Alexander said that the public input at committee meetings was appreciated. Robert Cockerl thanked everyone for their hard work on the sidewalk requirements.

Richard Huffman made the following MOTION and STATEMENT OF CONSISTENCY. “The Planning Board finds and determines that LDOTA 10-2009, Sidewalk Requirements, are consistent with the goals and objectives and policies of Vision 2020 Comprehensive Plan and hereby recommends its approval with a modification that the SPI medium score be changed from to 6-11 and the high priority is to be 12 or greater.” Albert seconded the motion. The motion was approved (5-1) with Bill Wagoner voting against.

NOTE: Diane Young had to leave the meeting before the vote.

Mr. Wagoner did not feel that it is consistent with the Vision 2020 Comprehensive Plan and its vision to build sidewalks. “If we do a calculation on all the right-of-ways in the city, we will see that more and more property owners will be paying a higher percentage for walkways that are for the entire community rather than a community-wide ‘paid for’ situation.”

LDOTA-13-2009: Conditional District Revisions

This is a request to amend a portion of Section 15.21-Chapter 15, The Development Process of the Land Development Ordinance.

The committee (3) convened December 16, 2009; the minutes were provided at the January 12, 2010, meeting. The language was provided to the Planning Board today.

Page 15.33 E make a minor change.

*E.The following **seven (change to eight)** circumstances have the potential for significantly altering the basic development concept or intent of the originally-approved plan and shall require an amendment; other changes shall be considered a revision.*

1. Land area being added or removed from the Conditional District.

2. Modification of any conditions, site-specific standards, design standards, or other requirements specified by the Conditional District ordinance.

3. A change in land use or development type beyond that permitted by the Conditional District ordinance.

4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

5. *When there is an increase in the total number of residential dwelling units originally authorized by the Conditional District ordinance.*
6. *When the total floor area of a commercial or industrial classification is increased more than ten percent (10%) beyond the total floor area originally authorized by the Conditional District ordinance.*
7. *When City Council mandates their consideration and approval, as a condition of approval, if any change or variation is proposed to the CD Master Plan and Conditional District ordinance.*
8. *When the Planning Board considers a revision significant and recommends City Council consideration and approval.*

F. Revisions: *A revision to a CD is an application to revise an existing, approved CD Master Plan, and requires consideration by the Planning Board or the Technical Review Committee (TRC), depending on the application.*

1. Planning Board Revisions: *Revisions requiring Planning Board consideration are those that do not alter the basic development concept as an amendment does; instead, they are changes to the approval CD Master Plan that may alter the project site due to final engineering or field conditions.*

a. 10% Rule: *Notwithstanding those changes that trigger an amendment, changes to numbered items, including but not limited to landscaping points, lighting fixtures, and parking spaces, by 10% or more shall receive Planning Board consideration. However, the Planning Board liaison to the TRC may keep a change at the TRC level if the 10% or more change appears insignificant for Planning Board consideration.*

b. Interconnectivity: *Changes that propose to remove or add a point of interconnectivity between private properties shall receive Planning Board consideration.*

2. Technical Review Committee Revisions: *Revisions requiring TRC consideration are those that insignificantly alter or rearrange the project site due to final engineering or field conditions.*

a. 10% Rule: *Notwithstanding those changes that trigger an amendment or revision to the Planning Board, changes to numbered items, including but not limited to landscaping points, lighting fixtures, and parking spaces, by less than 10% shall receive TRC consideration.*

b. Arrangement: *Rearrangement, with no net loss or gain, of any item on an approved CD Master Plan shall receive TRC consideration.*

c. When the TRC considers a revision significant enough for Planning Board consideration, the TRC or the Planning Board liaison may send it to the Planning Board for their consideration.

d. Appeals to TRC decisions on CD Master Plan revisions shall be heard by the Planning Board through a quasi-judicial process.

Bill Wagoner believes this offers the flexibility needed.

Mark Beymer made a MOTION to approve with one small change as stated above in "E" (from seven to eight). "The Planning Board finds and determines that **LDOTA 13-2009** is consistent with the goals, objectives and policies of Vision 2020 Comprehensive Plan and recommends approval." Richard Huffman seconded the motion with all members voting AYE. (6-0)

NEW BUSINESS

The Planning Board held a special meeting January 6, 2010 to determine Goals for 2010-2011. The minutes were approved. Goals will be presented to City Council February 2, 2010.

The following will be the 2010/2011 Planning Board Goals.

1. Complete the Comprehensive Bicycle Plan by September 30, 2010. (Calendar 3rd quarter)
2. Complete the Eastern Gateway plan by September 30, 2010 (Calendar 3rd quarter)
3. Conduct a study of the LDO Use Matrix for LBCS compliance
4. Conduct a split zoning study by Planning District
5. Conduct an Open Space study

The Western Gateway Plan is tabled for now.

The next Planning Board meeting will be February 9, 2010.

There being no further business to come before the Planning Board the meeting was adjourned at 5:26 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary